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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,210	01/27/2005	Ulrich Gries	PD020075	8799
24498	7590	07/31/2007	EXAMINER	
JOSEPH J. LAKS, VICE PRESIDENT			RECEK, JASON D	
THOMSON LICENSING LLC				
PATENT OPERATIONS			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/523,210	GRIES, ULRICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Recek	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 27 January 2005.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

This is in response to the application filed January 27<sup>th</sup> 2005, in which claims 1-11 are presented for examination.

***Status of Claims***

Claims 1-11 are currently pending, of those claims 1 and 7 are in independent form.

Claims 1-11 are currently objected to.

Claims 1-6 and 8 are currently rejected under 35 U.S.C. 112 paragraph 2.

Claims 1-2, 4, 6-9 and 11 are currently rejected under 35 U.S.C. 102(e).

Claims 3, 5 and 10 are currently rejected under 35 U.S.C. 103(a).

***Specification***

1. The disclosure is objected to because of the following informalities: the term "DSA" is used to refer to both an isochronous data stream and an asynchronous data stream (pg. 9 ln. 19).

Appropriate correction is required.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the claim should read "A method ...". Appropriate correction is required.
3. Claims 2-6 and 8-11 are objected to because of the following informalities: the claims should read "The method ..." or "The network station ...". Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: the claim should read "A network station ...". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the communication protocol" in line 3. There is insufficient antecedent basis for this limitation in the claim.
6. Claims 2-6 are rejected for depending from a rejected claim.
7. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 5 recites "its" which is indefinite. The word "its" should be replaced with the limitation that it refers to.

8. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "certain type of control communication control information which is to be issued by [...] means of asynchronous data communication. However claim 6 depends from claim 1 which recites that "isochronous data communication is used also for a certain type of control communication". Since claim 1 defines the certain type of control communication as being isochronous, a dependent claim cannot change that limitation to be asynchronous.

9. Claim 6 is also rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "it" which is indefinite. The word it should be replaced with the limitation that it refers to.

10. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites "and/or" however this renders the claim indefinite because it is not clear whether the communication means include means for

transmitting *and* receiving or whether the communication means include only means for transmitting or only means for receiving.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language..

12. Claims 1-2, 4, 6-9 and 11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Smyers US2002/0026540 A1.

Regarding claim 1, Smyers discloses “a bus structured network” as an IEEE 1394-1995 serial bus network (pg. 2 paragraph 13, Fig. 2), “using asynchronous data communication for control” as non-realtime control communications (pg. 3 paragraph 14), “and isochronous data communication for real-time data streaming” as a stream of data transmitted on an isochronous channel (pg. 3 paragraph 14), and “the isochronous data communication is used also for a certain type of control communication between the first device and at least one of the second devices” as a control communications that includes a real-time component (pg. 3 paragraph 14, pg. 4 paragraph 23, pg. 5 paragraph 35).

Regarding claim 2, Smyers discloses "certain type of control communication involves communicating a control command to said at least one second device" as the control command sent over the isochronous channel is communicated to at least one second device (pg. 5 paragraph 34), and "for controlling a functionality having an effect of being directly recognizable" as sending a control signal that if not timely received will cause data to be lost, thus it has an effect being directly recognizable (pg. 5 paragraph 34).

Regarding claim 4, Smyers discloses "certain type of control communication is sent in a repeated manner" as a control communication that is continuously sent (pg. 5 paragraph 34).

Regarding claim 6, Smyers discloses "certain type of control communication control information which is to be issued by a first device" as a device that issues control commands, such as a VCR (pg. 4 paragraph 26), "to several other devices" as AVHDDs (pg. 4 paragraph 26), "is issued by means of asynchronous data communication to a second device" as control commands that are non-real time (pg. 5 paragraph 34), and "which transmits it to the other devices by means of isochronous data communication" as devices that transmit control communications among themselves using isochronous communication (pg. 4 paragraph 23, pg. 5 paragraph 34).

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Regarding claim 7, Smyers discloses "network station for performing the method according to claim 1" as the components of Smyers perform the method of claim 1 (Fig. 2, pg. 3 paragraph 14), "means for performing asynchronous [and isochronous] data communication" as network devices that use asynchronous and isochronous communication (pg. 5 paragraph 34), and "using said isochronous data communication for performing a control communication" as isochronous control communications (pg. 4 paragraph 23).

Regarding claim 8, Smyers discloses "transmitting said certain type of control information onto an isochronous channel" as sending control information on an isochronous channel (pg. 4 paragraph 23).

Regarding claim 9, it is substantially similar to claim 2 and is therefore rejected for the same reasons.

Regarding claim 11, Smyers discloses "wherein the network interface is an IEEE-1394-network interface" as a IEEE 1394-1995 network interface (pg. 4 paragraph 23, Fig. 1, 2).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Fergusson U.S. Pat. 6,404,533 B1.

Regarding claim 3, Smyers does not disclose "said control command is [...] for controlling a visible parameter for controlling a number of displays" however Fergusson teaches using an isochronous signal to communicate video control data (col. 5 ln. 18-35).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify Smyers with the video control feature of Fergusson. The motivation to combine is simply to use the isochronous communication for a broader range of control communication since Smyers teaches that control commands can successfully be transferred using isochronous communication and Fergusson teaches that one type of control command is to control video.

Regarding claim 10, it is substantially similar to claim 3 and is therefore rejected for the same reasons.

15. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyers in view of Riddle U.S. Pat. 5,434,860 B1.

Regarding claim 5, Smyers discloses "the use of isochronous data communication for the certain type of control communication" as a system that sends control information by isochronous communication (pg. 4 paragraph 23), but Smyers does not disclose "disturbance on the communication network is detected, its degree is determined, and depending on said degree [communication is reduced]" however this is taught by Riddle as a system that limits real-time communication whenever reduced network performance is detected (col. 2 ln. 10-16, 43-53).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify Smyers with the real-time traffic reduction feature of Riddle. The motivation is to maintain network performance by reducing traffic.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

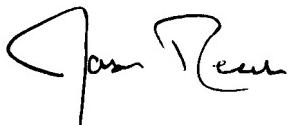
Hayashi U.S. Pat. 5,640,392 teaches isochronous and asynchronous signals for performing communication where isochronous data is control data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Recek  
7/11/07



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